

03/21/07 14:00 FAX 613 230 8821  
Serial No. 10/644,834  
Art Unit 2613

MARKS & CLERK

RECEIVED  
CENTRAL FAX CENTER

005

MAR 21 2007

REMARKS

Claims 1 and 11 have been amended to recite the bridge and roll steps and means as two separate steps and means, respectively. The claims have also been amended to address antecedent concerns. Claim 2 has been amended to account for the amendments to claim 11. Claims 7, 8, 12, and 14 to 19 have been cancelled. No new subject matter has been added.

Claims 1-6, 9-11, and 13 remain.

The Examiner has objected to claims 1-10 and 11-15 on the grounds of formality errors within claims 1 and 11. The Applicant respectfully submits that the amendments to claims 1 and 11 address these formality errors.

The Examiner has rejected claims 1, 11, and 16 under 35 U.S.C. §112 as being a single means claim. Claims 1 and 11 have been amended to expressly recite the bridging and the rolling steps/means as two separate elements. Claim 16 has been cancelled.

The Examiner has rejected claims 1-6, 8-13, and 15-18 under 35 U.S.C. §103(a) as being obvious in view of U.S. Patent 6,947,377 issued to Shimano and U.S. Patent Application 2002/0176131. Shimano teaches temporarily using a protection path as a working path (column 4 lines 29-38), but specifies that this is possible "in view of the fact that the path network provides protection paths in correspondence to working paths in most cases". In other words, Shimano requires that there be both a working path and a protected path as an initial state (column 4 lines 39-41, and column 2 lines 34-43; see also Figure 4 and the Abstract). Without an existing protection path, there is no means for conversion of a protected path temporarily into a working path. It should also be noted that the purpose of using the protected path in Shimano is in order to deal with a temporary increase in required bandwidth (column 2 lines 30-33; and column 4 lines 29-38).

In contrast, claim 1 of the present application specifically adds protection to an unprotected lightpath. Furthermore, a roll is performed so as to switch the selected lightpath to the newly created protected path using the protection facilities, then

completely removing the formerly active but now protected facilities, thereby allowing a routing change. Such a roll is not taught by Shimano.

Claim 1 includes the step of adding a bridge comprising an additional lightpath from the transmitting node to the receiving node. The Applicant respectfully submits that this is an element not taught or suggested by Shimano or Walters. The Examiner's cited passages of Shimano teach switching some traffic onto existing protection paths, but not the addition of a new path.

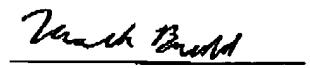
Similar arguments apply to claim 11, which includes the same basic elements as claim 1.

Claims 2-6, 9, 10, and 13 are variously dependent on claim 1 to 11, and include the same limitations. The remaining claims have been cancelled. Because the Examiner has not shown where each and every element of claims 1-6, 9-11, and 13 are taught by Shimano or Walters, alone or in combination, the Applicant respectfully submits that a *prima facie* case of obviousness has not been established against the claims.

The Examiner has rejected claims 7, 14, and 19 on various grounds. These claims have been cancelled.

In view of the foregoing, it is believed that the claims at present on file and as amended herein are in condition for allowance. Reconsideration and action to this end is respectfully requested.

Respectfully submitted,

  
S. Mark Budd  
S. Mark Budd  
Registration No. 53,880  
Agent of Record

MARKS & CLERK  
P.O. Box 957, Station B  
Ottawa, ON K1P 5S7 (613)236-9561